

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

NUANCE COMMUNICATIONS, INC.,

Plaintiff,

V.

INTERNATIONAL BUSINESS MACHINES
CORPORATION

Defendant.

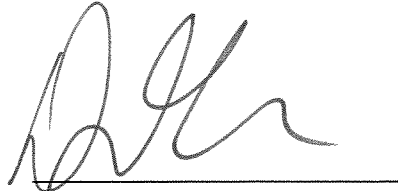
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NO. 16-CV-5173 (KMK)(JCM)

NOTICE OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; Plaintiff's Local Rule 56.1 Statement; the Declaration of David J. Lender, dated July 27, 2018, with the exhibits attached thereto; the record in the case; any additional evidence or argument presented at or before the hearing on this matter; and all pleadings on file in this case; Plaintiff Nuance Communications, Inc., by and through its counsel, Weil, Gotshal & Manges LLP, will move this Court before the Honorable Kenneth M. Karas, United States District Judge, United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601-4150, on a date and time to be set by the Court, for an order pursuant to Federal Rule of Civil Procedure 56 granting summary judgment in favor of Plaintiff on its Claim for Declaratory Judgment, and an order requiring Defendant International Business Machines Corporation ("IBM") to deliver to Plaintiff all Updates to the Licensed IBM Background Software, regardless of where they are developed within IBM, and such other and further relief as this Court deems just and proper.

Dated: July 27, 2018
New York, New York

A handwritten signature in black ink, appearing to read 'DL', is written over a horizontal line.

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